

4-703. Default judgment; judgment on the pleadings.

[For use with Rules 2-303, 2-702, 3-303 and 3-702 NMRA in the Magistrate and Metropolitan Courts]

STATE OF NEW MEXICO

COUNTY OF _____
_____ COURT

_____, Plaintiff

v.

No. _____

_____, Defendant

**DEFAULT JUDGMENT
JUDGMENT ON THE PLEADINGS**

This cause coming before the court on motion of (plaintiff) (defendant) (the court itself) and the court finding it has jurisdiction and that:

☐ Plaintiff appeared (in person) (and) (by attorney) and defendant failed to appear;

☐ Defendant appeared (in person) (and) (by attorney) and plaintiff failed to appear;

☐ There is no genuine issue as to any material fact and that (plaintiff) (defendant) is entitled to a judgment on the pleadings;

☐ Defendant failed to answer on or before the appearance date fixed in the summons;

The Court, having heard the evidence and argument presented, finds that service of process was duly made and finds:

☐ in favor of plaintiff and against defendant.

☐ in favor of defendant and against plaintiff.

☐ in favor of plaintiff on his complaint and in favor of defendant on his counterclaim/setoff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

(Plaintiff) (Defendant) recover the following:

Damages \$_____

Other Damages \$_____

Interest to date

(if allowable) \$_____

Attorney fee

(if allowable) \$_____

Costs \$_____

TOTAL JUDGMENT \$_____

(check if appropriate)

☐ [Plaintiff] [Defendant] have possession of:

☐ the premises at _____

_____ *(for forcible entry or detainer)*

OR

☐ the following personal property:

(for replevin and restitution actions)

Date

Judge

[As amended, effective October 1, 1987; October 1, 1991.]